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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,103	08/26/2003	Mark D. Schoenhals	15010-01010	3164
32054	7590	09/18/2008	EXAMINER	
Tina M. Lessani			BESROUR, SAOUSSEN	
Lessani & Lessani LLP			ART UNIT	
163 Cypress Point Road			PAPER NUMBER	
Half Bay Moon, CA 94019			2131	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/648,103

**Applicant(s)**

SCHOENHALS, MARK D.

**Examiner**

SAOUSSEN BESROUR

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 14-27, 31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-27, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is in response to amendment filed 6/20/2008. Claims 5, 6, 21 and 23 were amended. Claims 8-13, 28-30 and 32 were cancelled. Claims 1-7, 14-27, 31 and 33-36 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2008 has been entered.

#### ***Response to Arguments***

Applicant's arguments filed 6/20/2008 have been fully considered but they are not persuasive.

3. In response to applicant's arguments, the recitation "where the phone call is made independent of the website" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for

completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. Regarding Applicant's argument that the prior art does not teach "displaying a unique ID to the user in a webpage," Examiner respectfully disagrees and would like to point out 0032, 0035-0036 in Dutton that states "each capture is assigned a unique page ID and is associated with a specific browser...this information is extracted from the captured page and a new record is inserted into a database." Furthermore, Dutton states in 0036 that "the data may be displayed, for example, in a search frame for the web server or the browser."

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31 and 33-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutton (2006/0200832) in view of Graham (20050038893).

As per **claim 1 and 19**, Dutton discloses: for each user that accesses the website transmitting a unique ID, where the unique ID is unique to the user's web browser, and the where the unique ID is generated without obtaining information that identifies the user personally (0023-0033); storing a record of the unique IDs (0023-0033). Dutton does not explicitly teach: transmitting a webpage to the user that visibly displays a unique ID; in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user; and correlating the user's call to the customer service agent with the user's use of the website using the user's unique ID. However, Graham discloses: transmitting a webpage to the user that visibly displays a unique ID (0030-0031); in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user; and correlating the user's call to the customer service agent with the user's use of the website using the user's unique ID (0004, 0009-0010). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Graham in conjunction with the teachings of Dutton for the benefit of creating consumer profile for relevance of offer (0015).

As per **claim 23**, Dutton discloses: a web server for the website that transmits a unique ID to each user that accesses the website, where, for each user, the unique ID is unique to the user's web browser, and unique ID is generated without obtaining information that identifies the user personally (0023-0033); a first database for storing records of the unique IDs of eth website (0023-0033). Dutton does not explicitly teach

transmitting a webpage to the user that visibly displays a unique ID; a phone for enabling users to communicate with a customer service agent; a second database that stores unique ID of each user that submits a unique ID to a customer service agent; and an analyzer that correlates users' calls to customer service agent with users's use of the websites by correlating records in the first and second databases associated with matching unique IDs. However, Graham discloses: transmitting a webpage to the user that visibly displays a unique ID (0030-0031); a phone for enabling users to communicate with a customer service agent (0004, 0009-0010); a second database that stores unique ID of each user that submits a unique ID to a customer service agent; and an analyzer that correlates users' calls to customer service agent with users' use of the websites by correlating records in the first and second databases associated with matching unique IDs (0004, 0009-0010). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Graham in conjunction with the teachings of Dutton for the benefit of creating consumer profile for relevance of offer (0015).

As per **claim 2**, rejected as applied to claim 1. Furthermore, Dutton discloses: storing information related to a user's use of the website in association with the unique ID displayed to the user (0021-0022, 0023-033).

As per **claim 3**, rejected as applied to claim 2. Furthermore, Graham discloses: storing, in association with the user's unique ID, information related to the customer service agent's interaction with the user (0004).

As per **claim 4**, rejected as applied to claim 1. Furthermore, Graham discloses: determining, using the unique IDs, the number of users that called a customer service agent that also accessed the website (0009-0010).

As per **claim 5, 20, 24 and 27**, rejected as applied to claim 1 19, 23 and 25. Furthermore, Graham discloses: using the user's unique ID to correlate any product sale purchases made by the user through the customer service agent with information about the user's use of the website (0004).

As per **claim 6, 21 and 25**, rejected as applied to claim 1, 19 and 23. Furthermore, Graham discloses: in response to the user clicking on an online advertisement to reach the website, storing information about the advertisement in association with the unique ID displayed to the user (0004, 0009, 0014, 0031).

As per **claim 7, 22 and 26**, rejected as applied to claim 6, 21 and 25. Furthermore, Graham discloses: using the unique ID displayed to the user and the stored information about the advertisement to correlate the advertisement with any product sales to the user through the customer service agent (0004, 0009, 0014, 0031).

As per **claim 14 and 31**, rejected as applied to claim 1 and 23. Furthermore, Dutton disclose: the webpage supports an internet chat service (0021).

As per **claim 15**, rejected as applied to claim 1. Furthermore, Dutton discloses: for each user that access the website, determining whether the user's web browser has a cookie from the website with a unique ID (0023-0033); if the web browser has a cookie from the website with a unique ID, retrieving the unique ID from eth cookie and transmitting a webpage with the retrieved unique ID to the user (0023-0033); and if the

web browser does not have a cookie from the website with a unique ID, generating a unique ID , adding the generated unique ID to the record of unique IDs, and transmitting the unique ID to the user in a webpage (0023-0033).

As per **claim 17**, rejected as applied to claim 1. Furthermore, Graham discloses: for each user, generating a unique If for the user (0043); determining whether the user's web browser has a cookie with another unique IDS from eth website (0043); in response to the user's web browser having a cookie with another unique ID from the website, recording an association between the newly generated unique ID and the unique ID in the cookie (0043); and transmitting the newly generated unique ID to the user in a webpage (0043).

As per **claims 33 and 35**, rejected as applied to claims 1 and 19. Furthermore, Graham discloses: wherein the customer service agent is a live person (0004).

As per **claims 34 and 26**, rejected as applied to claim 1 and 19. Furthermore, Graham discloses: that service agent is an automated agent (0004).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAOUSSEN BESROUR whose telephone number is (571)272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./  
Examiner, Art Unit 2131  
September 12, 2008

/Syed Zia/  
Primary Examiner, Art Unit 2131